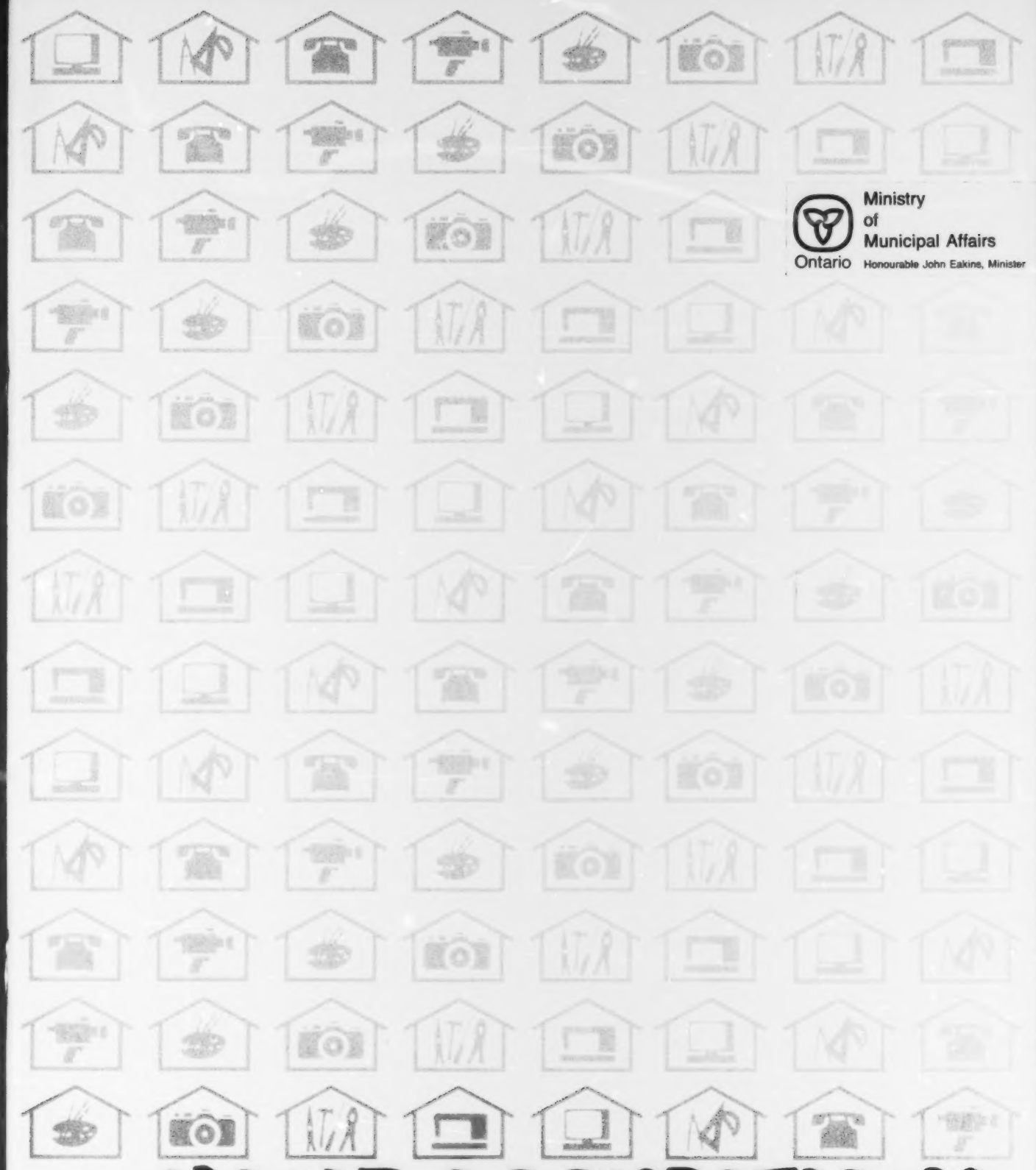

Ontario
Ministry
of
Municipal Affairs
Honourable John Eakins, Minister

HOME OCCUPATIONS

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PREFACE

The separation of land uses is a widely accepted planning principle. Official plans and zoning by-laws, which designate residential districts as areas distinct from commercial and industrial districts, reinforce this spatial separation by providing the legal basis for it. Nevertheless, this separation of land uses has not been fully accomplished as most municipal regulations allow for some exceptions. The recognition of home occupations in residential areas is one such exception.

In many municipalities home occupations are a planning issue. A review of the literature indicates a number of emerging trends. Technological developments and social and economic trends support both the ability and desire to work in the home. As such, the occurrence of, and consequently the interest in, home occupations can be expected to mount in the future. It is in recognition of the present and growing interest in home occupations that this study has been prepared.

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1. AN OVERVIEW OF THE ISSUES

Prior to the industrial revolution home and workplace were one and the same, with families living and working together as economic production units. Industrialization changed this way of life. With the development of large and expensive machinery that could no longer be accommodated in the home came the functional separation of home and workplace. This functional separation was followed by a spatial separation which in time became entrenched through the implementation of land use regulation tools such as official plan policies and zoning by-laws. New land use and activity patterns emerged as a result of these changes in home and workplace. People now lived in one area of the city, worked in another and traded for goods and services in yet another.

In recent years, development activity has exhibited a gradual departure from rigid adherence to the principle of separation of land uses. The popularity of mixed-use developments that accommodate a broad range of uses is an example of this change. It should be noted however, that mixed-use developments are specifically designed to eliminate conflicts between uses. In contrast, the proliferation of home occupations is an example of a mixed use that has occurred, to a large degree, on an ad hoc basis.

Interest in home occupations has been stimulated by a number of changes in society. Three general trends have emerged which appear to influence the incidence and nature of home occupations.

Emerging Trends

Technological Innovations

Advances in high technology, particularly computer technology, have broadened the opportunities for working at home. The technology that allows for a wide range of people to work at home has been in place for several years and is now becoming more sophisticated and less expensive. Some home-workers are self-employed, while others are employees who keep in touch with their employers with the aid of telecommunications.

Economic Considerations

Recent high unemployment rates have forced many people to take the initiative to create their own jobs. Often, these jobs take the form of freelance work or small businesses which originate in the home. For small businesses with limited start up funds or with small profit margins, working from the home is the only way to be competitive. Many of these businesses remain small and home based, while others use the home as an incubator environment. Those businesses that outgrow the home environment move to commercial or industrial premises as the business becomes financially secure and space requirements increase. Two examples of lucrative industries that began as home occupations are Cabbage Patch dolls and Apple computers.[1]

Social Trends

A number of social trends also contribute to the increased popularity of working in the home. The growing participation of women in the paid labour market is forcing many families to juggle family responsibilities with careers. Working from the home is an attractive option for many adults with dual responsibilities. For parents, working from the home allows for greater flexibility in working and child-care arrangements. Working from the home also appeals to those who find the "9 to 5" routine unworkable or unsatisfactory.

Whatever the reason, it has become apparent that the opportunity, need and desire for working in the home has increased and may continue to do so in the future. Associated with this, however, are a number of planning issues.

Impacts

Changes in Residential Land Use

One planning consideration associated with home occupations is maintaining the integrity of the residential neighbourhood. The proliferation of home occupations may precipitate a change in the character of the neighbourhood and in some extreme cases may promote a change of land use from residential to commercial.

Nuisance to Neighbours

Perhaps the most frequently mentioned issue regarding home occupations is the nuisance factor. Excessive amounts of heat, noise, odour, traffic and parked vehicles in the neighbourhood may be generated as a result of the operation of home occupations. Open storage areas and unsightly signage may also be unwelcome by-products. The overall result may be a deterioration in the aesthetic quality of the neighbourhood as well as interference with residents' opportunities to enjoy their home and residential environment. Safety also becomes a concern when dangerous equipment and materials are utilized in home occupations.

Strain on Municipal Services

Municipal services, particularly "hard services" such as roads, sewers, water and garbage collection, which were designed for residential use may not be able to accommodate the increased usage associated with commercial operations. Increased utilization of services may in turn lead to demands for the expansion or the improvement of these services which has financial implications for the municipality, and ultimately the taxpayer.

Tax Loss and Unfair Competition

Another financial consideration may be the loss of municipal revenue since many home-workers are paying residential, not business taxes.* From the local business person's perspective, home businesses that do not pay business taxes may be viewed as having an unfair advantage over those who are located in designated commercial and industrial areas.

Although potential problems should be acknowledged and addressed, the many benefits of home occupations should also be recognized.

1 Nancy T. Stark, "Home Based Enterprises Create Toys and Technology." *National Community Reporter* National Association of Towns and Townships, August - September 1984. pg. 3.

* While many home occupations are assessed commercially (for that part of the home used exclusively for the business), and as such appear on the business tax rolls, a large number avoid business taxes. All home occupations have in common lower overhead costs because they don't have to maintain a separate location for the business.

Benefits

Expanded Employment Opportunities

Working in the home opens the job market to many people who would otherwise have difficulty fitting into a conventional work routine. The handicapped, the elderly, parents with young children to care for, people living in isolated areas, particularly rural areas, are just some examples of people that could improve their employment opportunities if the option of working at home was available to them.

Employee and Employer Benefits

The flexibility of working at home coupled with reduced transportation, parking, clothing and child care expenses, are real bonuses to employees. For employers, greater staff productivity, a reduction in operating costs brought about by the need for less office space, fewer parking spots and lower utility bills are among the potential benefits as are reduced rates of absenteeism and reduced staff turnover.

Efficiency

From a municipal planning and management perspective home occupations contribute to the efficient use of major urban resources such as land, housing and the transportation system.

With the journey-to-work reduced or eliminated for home-workers, energy savings could be realized as less gas is consumed. As well, fewer pressures would be placed on public transit and the road system, particularly, in what are now rush hours. Since many Canadians are "over-housed", extra space within the home is available for business purposes. This would, in many instances, be a desirable intensification of use.

Support to Small Business

Creation of small businesses is another benefit of home occupations since many home-workers are small business owners. Moreover, since small businesses are the largest creator of new jobs, every effort should be made to support activities that create jobs, particularly in times of high unemployment.

"Service Rich" Neighbourhoods

Another potential benefit is the creation of "service rich" neighbourhoods. In a study prepared for the Montgomery County Planning Board in Maryland, Patrick Hare and Gail Price argue that "for many people neighbourhood quality may mean not just clipped lawns and property value, but also the easy accessibility of needed services".[2] As time is a precious commodity, having needed services located nearby makes good sense. The quality of the service may also be higher if it is neighbourhood based. Provision of care giving services, such as child care or elder care, at the neighbourhood level can be desirable since the institutional environment associated with these services can be eliminated. Having the service nearby is also important as many recipients of these services are not capable of travelling any great distance on their own.

Home occupations provide numerous benefits, but may also have some negative impacts on the neighbourhood. The dilemma faced by municipal council and staff is how to control home occupations so that the community can avail itself of the advantages offered by home occupations without destroying the integrity of the residential neighbourhood.

The next chapter reviews the experience of municipal staff in selected Ontario communities.

2 Patrick H. Hare and Gail A. Price: "Home Based Services: Expanding Social Services Without Expanding Public Facilities or Public Bureaucracies." Staff Working Paper, Montgomery County Planning Board, Maryland, 1985, pg. 12.

2. THE ONTARIO EXPERIENCE

Since most of the literature is speculative and based on American examples, the best source of information about Ontario is the municipality itself. A two-tiered approach was designed for optimum results: a questionnaire survey was developed to provide an overview of the situation and interviews were conducted for a more in-depth analysis.

The Questionnaire Survey

The purpose of the questionnaire survey was to obtain a broad overview of the experiences of Ontario municipalities in planning for and regulating home occupations. The questionnaire survey was specifically designed to collect information about the methods municipal councils and staff employ to regulate home occupations. The questionnaire was also intended as a way to measure the extent of the problem across the province.

Methodology

A questionnaire was mailed to 275 Ontario municipalities that were selected at random. Of the sample of 275 surveys, 246 were returned for a final response rate of 89%. This excellent response rate in itself may be an indication of the growing interest in the topic.

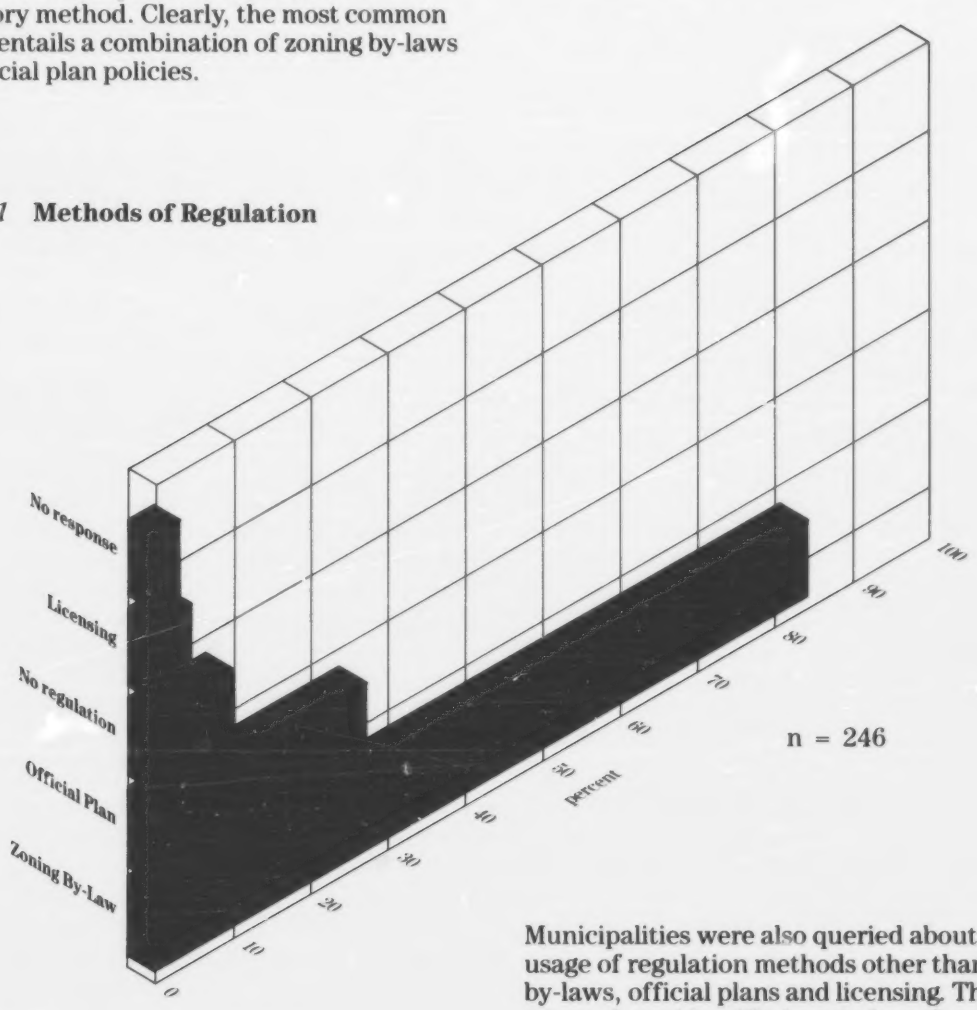
The respondents represent a wide cross section of the municipalities in the province. Responses were received from every region, district and county, every municipality type, and from municipalities of all population sizes. (Refer to Appendices for further information.)

Methods of Regulation

Survey results indicate that a majority of the respondents employ some method of regulating home occupation functions. As indicated by Figure 1, zoning by-laws are the most popular method by which to regulate home occupations, followed by official plan policies. Zoning by-laws were used by 84% of the responding municipalities while 27% used official plan policies.

Moreover, as demonstrated in Figure 2, a number of municipalities use more than one regulatory method. Clearly, the most common control entails a combination of zoning by-laws and official plan policies.

Figure 1 **Methods of Regulation**



Does not total to 100% since some municipalities use more than one method of regulation.

Municipalities were also queried about the usage of regulation methods other than zoning by-laws, official plans and licensing. The respondents identified a number of methods including Minister's zoning orders, building permits, maintenance and occupancy standards, Niagara Escarpment Development Control and sign by-laws. Table 1 illustrates how

Table 1 **Other Regulation Methods**

USAGE OF OTHER REGULATION METHODS	NUMBER	PERCENT
Alone	1	2
With Official plan	1	2
Zoning by-law	32	56
Licensing	1	2
Official plan and zoning by-law	17	30
Zoning by-law and licensing	3	5
Official plan, zoning by-law and licensing	2	3
TOTAL	57	100

municipalities have combined other methods of regulation with the most common regulatory methods. With one exception, these methods are used in conjunction with other methods; most often with zoning by-laws or with zoning by-laws and official plans.

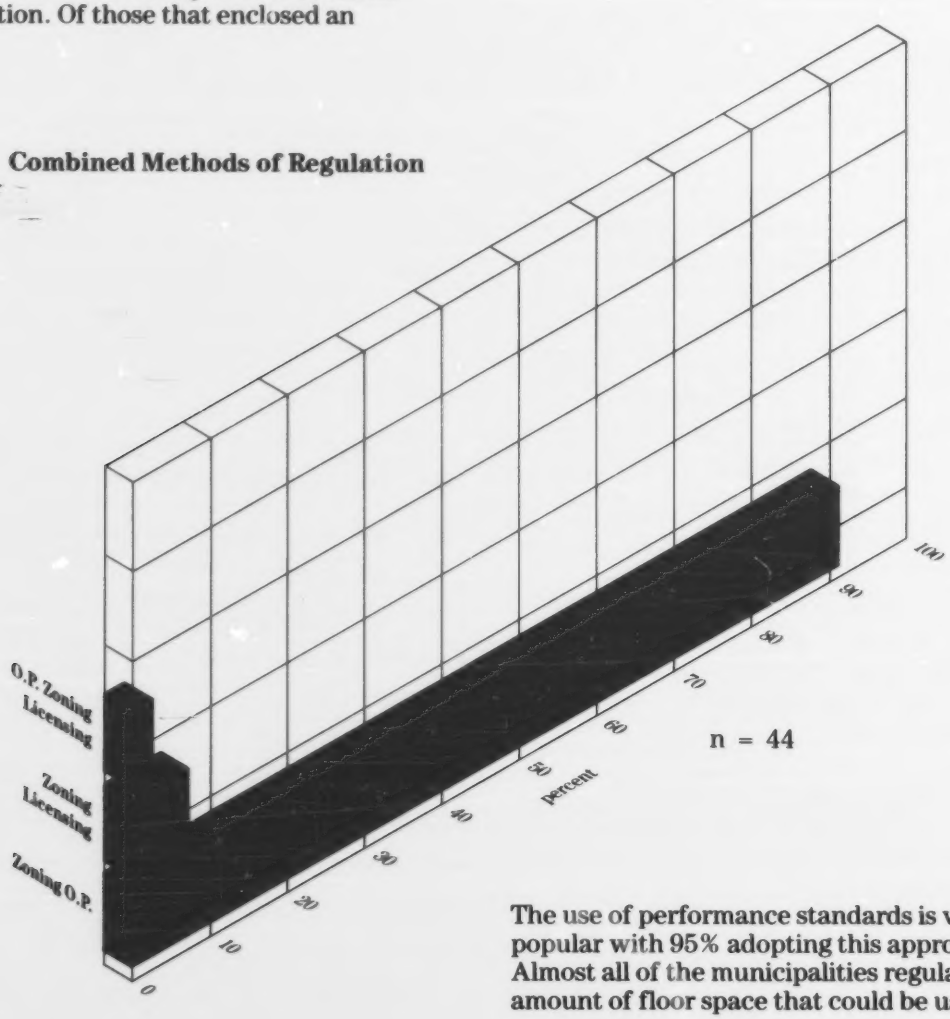
Approach

Municipal representatives were requested to submit excerpts of the policies and regulations they used to control home occupations. Of those municipalities that regulate home occupations, 108 enclosed excerpts of the relevant documents. These were analysed to determine their regulation approach and the actual provisions used.

Approximately one quarter of the municipal staff surveyed reported that they use their official plan to regulate home occupations. Table 2 illustrates the analysis of the official plan function. Of those that enclosed an excerpt, the examples indicate that the primary function of official plans in respect to home occupations is to provide an enabling statement. Of the samples submitted, 24 contained enabling statements which outline general policies on home occupations. A small number of municipalities include performance standards or definitions or both in the official plan although these would be more appropriate in a zoning by-law.

The zoning by-law is the most commonly used tool for regulating home occupations. The analysis of zoning by-law approaches is illustrated in Figure 3. Examination of zoning by-law statements enclosed by 104 respondents revealed that the most commonly used approach is the use of performance standards, often in conjunction with a list of permitted and prohibited types of occupations.

Figure 2 **Combined Methods of Regulation**

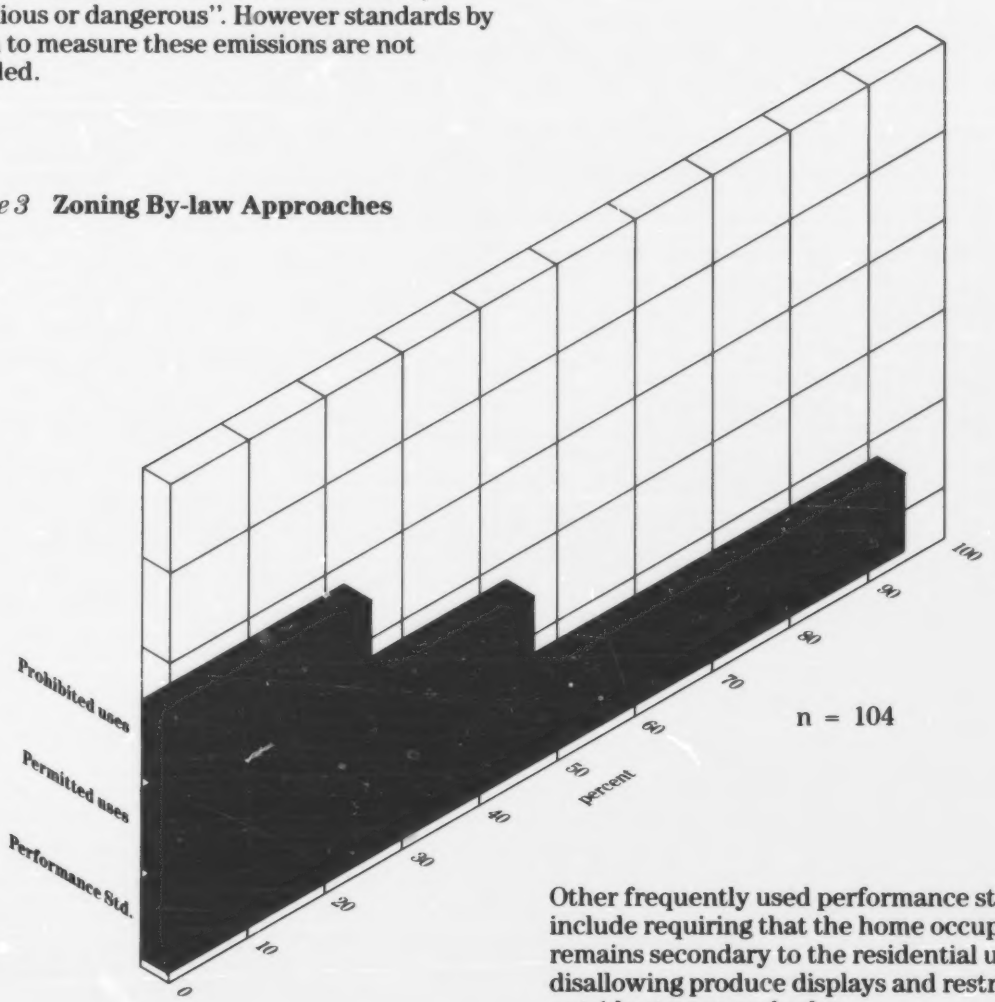


The use of performance standards is very popular with 95% adopting this approach. Almost all of the municipalities regulate the amount of floor space that could be used by the

home occupation, the number of employees and signage. (Note: Some municipalities may regulate home occupation signage in their sign by-law.)

A large number of municipalities also include a list of emissions that cannot be "offensive, obnoxious or dangerous". However standards by which to measure these emissions are not provided.

Figure 3 **Zoning By-law Approaches**



Other frequently used performance standards include requiring that the home occupation remains secondary to the residential use, disallowing produce displays and restricting outside storage and sales.

Table 2 **Official Plan Function**

OFFICIAL PLAN FUNCTION	NUMBER	PERCENT
Enabling statement	19	70
Enabling statement and performance standards	4	15
Enabling statement, performance standards and definition	1	4
Performance standards	2	7
Performance standards, definition and list of permitted/ prohibited uses	1	4
TOTAL	27	100

Date of Regulation

One initial concern prompting this study was that home occupation regulations may be out of date and therefore not responsive to recent changes in the nature of home occupations. This concern is not confirmed by the survey results. In fact, as described in Table 3, most of the policies and regulations employed by municipalities to regulate home occupations have been established or revised within the last few years.

Most of the literature on home occupations suggests that the number of home occupations is increasing. Since the literature is quite speculative and based largely on American experience, the survey sought to verify this assumption. Municipal officials were asked if the number of home occupations in their municipality was changing. All responses are based on estimates since none of the municipalities have actual data on this question.

The results vary considerably. As indicated in Figure 4, approximately half of the respondents claim that the number of home occupations in their municipalities is stable; a significant group estimate that the number is increasing and a very small portion reported that the number of home occupations is decreasing. The remainder of respondents are either unaware or did not respond to the question. These results indicate that home occupations appear to be a permanent phenomenon in the residential setting and not a passing fad.

Figure 4 **Number of Home Occupations**

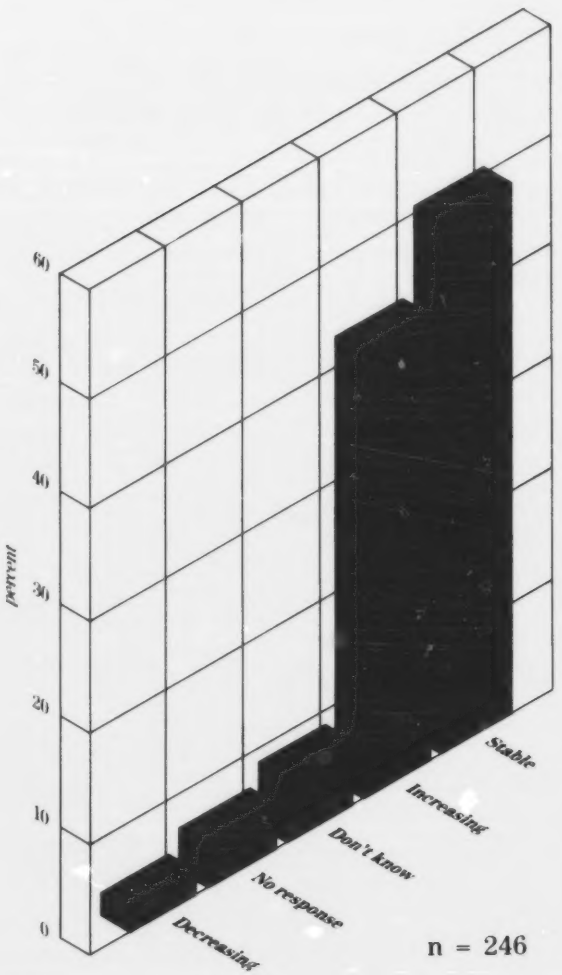


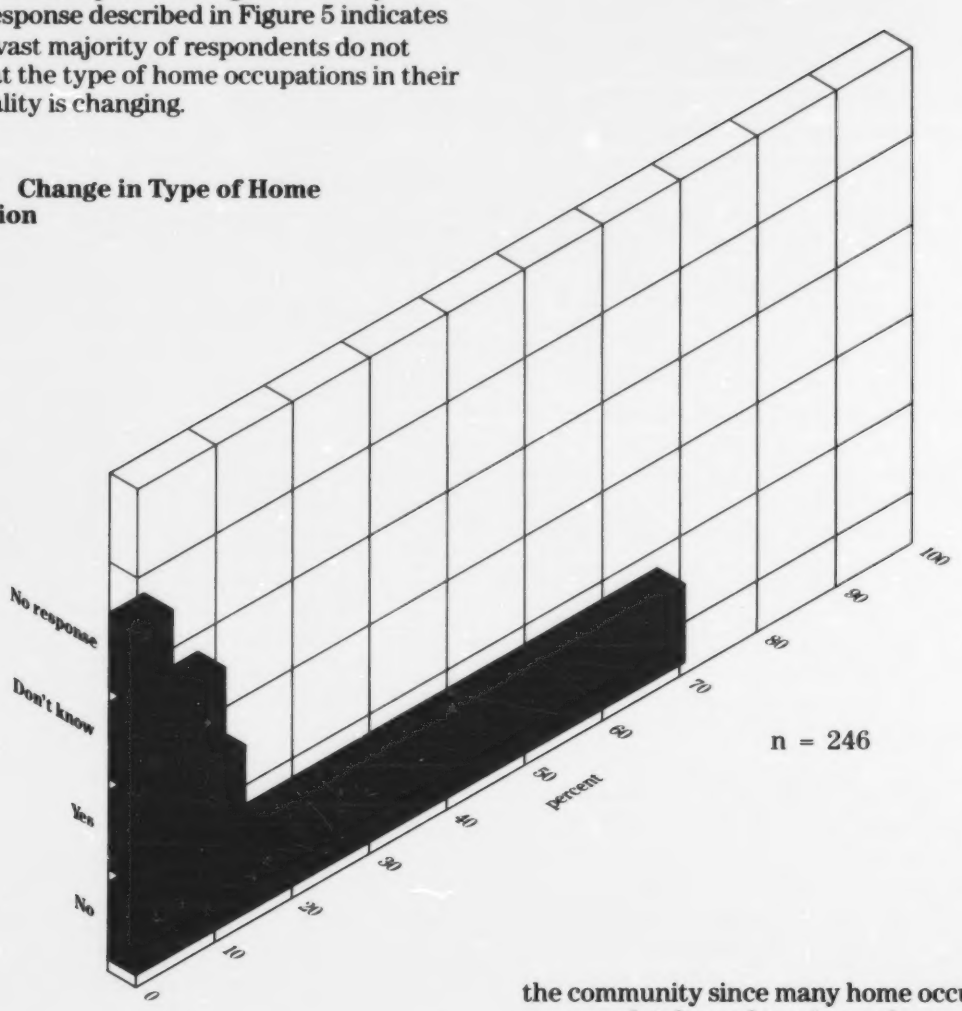
Table 3 **Date of Regulation**

Year established or last revised	REGULATION METHOD					
	Official Plan		Zoning By-law		Licensing	
	#	%	#	%	#	%
in revision	10	15	10	5	2	18
1980–1985	31	47	91	44	0	0
1975–1979	14	21	68	33	1	9
1970–1974	4	6	17	8	0	0
pre 1970	4	6	15	7	1	9
no year given	3	5	5	3	7	64
TOTAL	66	100	206	100	11	100

Type of Home Occupation

The literature also suggests that the type of home occupations is changing. The focus is on high-tech occupations. Again we sought to verify this assumption through the survey. The survey response described in Figure 5 indicates that the vast majority of respondents do not think that the type of home occupations in their municipality is changing.

Figure 5 **Change in Type of Home Occupation**



Among those that state that they have noticed a change in type, there are few distinct patterns. Some suggested that there are fewer artisans while others suggest that there are more. Similarly, some respondents indicate that there are more "professionals", more commercial and retail activities, more part-time operators, more sales agents, etc. One theme that is mentioned more often than others is the increase in high-tech home occupations (e.g. the writing of computer software, electronics).

It is difficult to determine whether or not municipalities can obtain an accurate picture of the nature and number of home occupations in the community since many home occupations are completely unobtrusive and never reported. As a result, municipal officials have no precise way of knowing if these activities exist.

Complaints

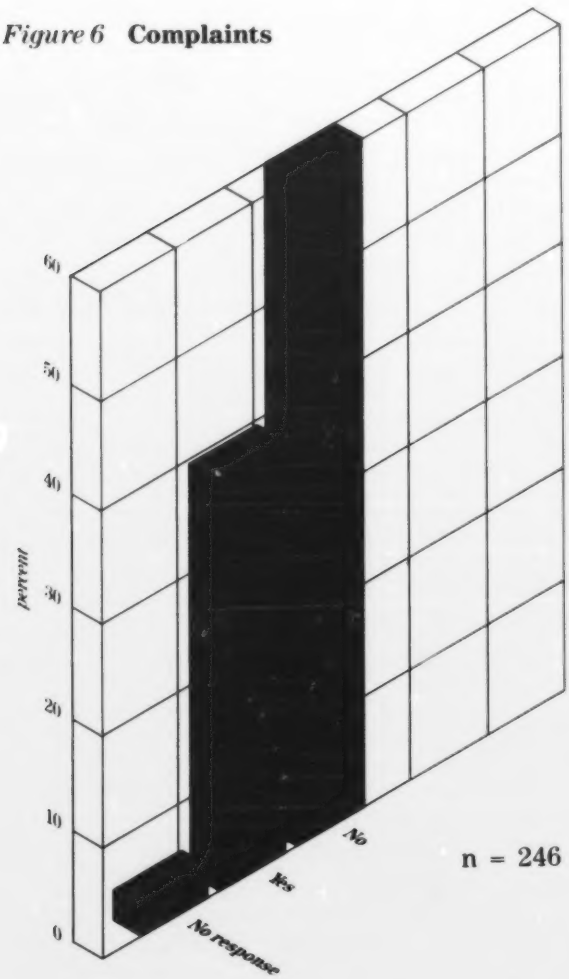
Respondents were asked if they received complaints about home occupations. Figure 6 illustrates the number of municipalities receiving complaints. While the largest group reported that they have not received complaints regarding home occupations, a significant number indicate that complaints were received. The most common complaints are about parking, traffic, noise, outside storage, business tax, signage, odour and safety. (A complete list of complaints is available in the appendices.)

Enforcement

As indicated in Figure 7, a large percentage of respondents stated that they are experiencing problems with enforcement. This response is noteworthy since it is greater than the percentage of municipalities reporting complaints. This finding may suggest a more pro-active stance in a number of municipalities, where local staff are attempting enforcement procedures before complaints are received.

Those that have enforcement problems stated that the lack of staff time, followed by limitations or lack of clarity in the definition of home occupations in policies or by-laws are their major obstacles. A number of respondents reported that they are not encountering enforcement problems because no effort is made to enforce regulations or no regulations exist. Another frequently mentioned enforcement problem is the inability to prosecute when there is knowledge of a violation of a by-law but difficulty in documenting the evidence.

Figure 6 **Complaints**



Interviews

Although the questionnaire survey was quite extensive and successful, the nature of this type of research made it difficult to obtain any insights into the process of regulating home occupations. For this reason, nine municipalities representing a wide range of geographic areas, population size and experiences with home occupations were selected for follow-up interviews.

In preparation for the interviews a list of general questions was drafted that included questions directed towards each municipality's own experiences (as indicated in the questionnaire responses). The questions were sent to the municipal officials in advance so they might consider them prior to the interview.

Nature of Home Occupation

While none of the municipal staff interviewed was confident that they were fully aware of the numbers and types of home occupations in existence, most estimated that these activities are primarily of the service or trade type. Frequently cited home occupations are contractors, tradespeople, hairdressers and minor repairmen. In the larger municipalities (Burlington and Kanata) and those smaller ones near urban areas (Flamborough, Whitchurch-Stouffville) respondents also report a high incidence of professional office home occupations. Computer-related home occupations are apparent only in Kanata where a zoning by-law amendment was drafted to accommodate the retailing of computer hardware and software from the home. In other municipalities staff are unaware of any computer-related home occupations, although some suggest that they are probably so unobtrusive that they would not be noticed. A large number of specialty type of services such as distributing flyers or ordering frozen foods ("middleman" operations) were identified in northern communities. As well, some degree of home manufacturing is occurring in residential locations. The manufacture of fishing tackle is cited by staff in both Fort Frances and Ignace.

Rural and farm-related home occupations exist throughout Huron County and the rural parts of Flamborough and Whitchurch-Stouffville. These businesses are usually more intensive and on a large scale. They include machinery repair, welding and similar operations as well as activities related to animal care such as kennels and veterinarians.

Interview respondents in all municipalities but one (Whitchurch-Stouffville) described most home occupations as primarily part-time operations and secondary sources of income. The major exceptions to this are contractors, tradespeople and professionals, who generally operate full-time.

Almost all respondents identified economic conditions as the most significant factor contributing to the growth in the number of home occupations. Examples illustrating this point come from the Township of Ignace, a one industry town, where the nearby mine is reducing its workforce significantly, causing high unemployment, and the City of Kanata in the silicon valley where layoffs at some of the high-tech firms are forcing computer programmers to work from their homes.

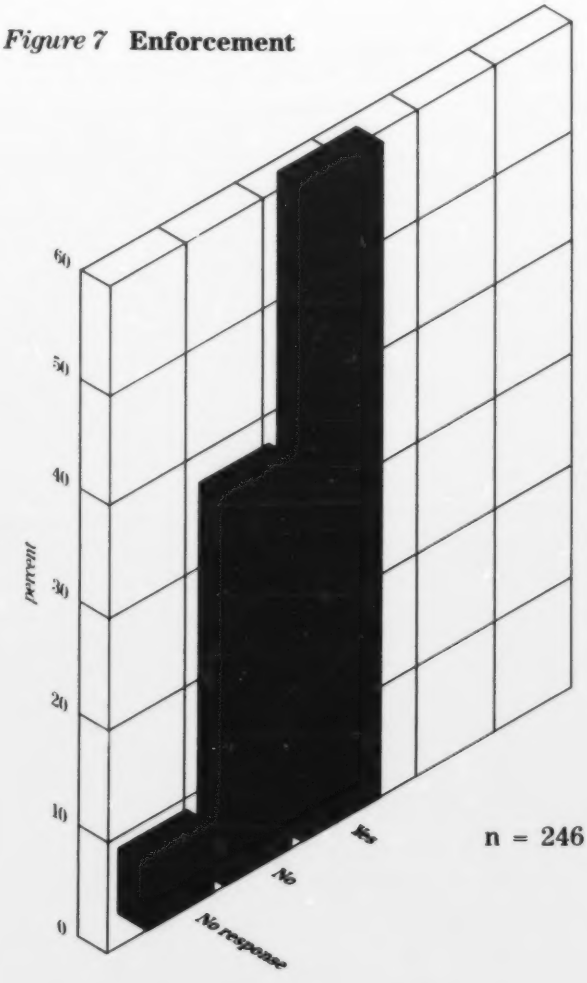
Impacts of Home Occupations

Analysis of the complaints received about home occupations reveals that the nature and number vary from municipality to municipality with no apparent relationship between complaints and the location or size of municipality. The most common complaint is related to parking; either there are too many cars parked on the street as a result of a home business or parking commercial vehicles and equipment in driveways detract from the aesthetic quality associated with a residential neighbourhood. In the City of Burlington, for example, staff have found that home based retailing is causing a large number of complaints about increased traffic.

The survey results reveal few complaints from business competitors about unfair competition. One exception to this finding is in the Town of Fort Frances where local council has had delegations of various tradespeople present complaints about price competition from home based businesses.

The beneficial aspects of home occupations to the community are usually acknowledged by the municipalities. Home occupations are often viewed as a welcome contribution to local economic development. In Ignace, for example, an economic crisis has been precipitated by the decision of the mining company to reduce the size of the workforce and ultimately close the mine. In anticipation of this, the Township is beginning to relax its home occupation provisions. Local people have recognized that home occupations provide an innovative and relatively simple method for providing alternative economic opportunities as they strive to maintain economic stability in uncertain times. In a related effort attempts are also being made to establish at least one incubator mall to provide home businesses with a site to locate in as they expand. In a similar example representatives of Victoria Harbour consider recognition of home occupations as a

Figure 7 **Enforcement**



vital component of their tourism development strategy since many home occupations in Victoria Harbour provide supplementary services to boating and marina activities, particularly to support a weekend market.

Regulatory Approaches

(i) **Zoning By-law Approach**

Most of the municipalities interviewed use the performance standard approach of regulation, many in conjunction with lists of permitted or prohibited uses. Performance standards are generally accepted as the best method of regulation since lists of permitted or prohibited uses tend to require constant revision. In our interviews several municipalities disagreed with this position. Planners in these municipalities believed that lists of permitted uses provide the best control and prevent interpretive problems.

(ii) **Licensing and Record Keeping**

The use of business licensing is a practice generally used by only the largest municipalities (Burlington, Kanata, Timmins). From a control standpoint, the requirement of a business license is viewed as one way to keep records on home occupations. However, licensing does not include all types of home occupations. To overcome this limitation, some municipalities use informal approaches to obtain information on home businesses.

(iii) **Monitoring**

Most municipalities conducted little or no monitoring of home occupation activities. Knowledge of violations was gained largely on a complaint basis. This was particularly true of the smaller communities such as Victoria Harbour and communities in Huron County where staff time and resources are limited. Larger communities such as Burlington also take action only in response to complaints. Instances where an operator came forward prior to starting a business were relatively few as were routine "windshield surveys" by the by-law enforcement officer. Kanata and Fort Frances appear to take the most active role in monitoring and enforcement through their by-law enforcement department.

Regulation and Enforcement Problems

Municipalities expressed concern about the interpretation and enforcement of home occupations regulations. The frequent need for judgement calls particularly in matters of interpretation illustrates the frustration experienced by local officials.

A problem which the City of Burlington is currently experiencing is in writing regulations which prohibit obnoxious uses but allow those that are less disruptful. Retail activities, in particular, are one area of concern. The City does not want to disallow retailing but wants to control those retailing activities which generate large volumes of traffic. This type of problem reflects the difficulty in drafting workable regulations which require a minimal amount of interpretation yet can distinguish between desirable and undesirable home occupations.

Another major problem is the difficulty in proving that a violation is occurring. An often cited example is that of auto body repairs. Complaints may flood in from neighbours but if there is no proof that money has changed hands then it is difficult to prosecute. It has also been found that while neighbours are quick to voice complaints to the municipality, they are often reluctant to testify.

Prosecution Experiences

In all municipalities both council and staff generally view prosecution as a last resort. Prosecution is regarded as an onerous task since evidence is difficult to obtain and witnesses are reluctant to testify. Furthermore, since municipalities prefer not to become embroiled in disputes between neighbours, an attempt is often made to resolve the problem without resorting to litigation.

Very few incidents of prosecution were cited. Those instances where the municipality has been successful in prosecution usually result from a blatant violation where the use is obviously of a commercial or industrial nature. For example, Goderich successfully prosecuted an individual who was processing fish in his garage.

In another case, the City of Burlington tried unsuccessfully to prevent a home occupation from being established. A hairdresser purchased a house subject to the condition that a minor variance be granted allowing her to operate a

business from her home. The variance was required because the lot frontage was less than that specified for home occupations in the zoning by-law. The Committee of Adjustment granted the variance against the advice of the City. The City appealed to the O.M.B. because of their concern that additional traffic would be generated at an already hazardous location (violating the nuisance criteria). The O.M.B. decided in favour of the Committee of Adjustment and the hairdresser as it was felt that there was insufficient evidence that a nuisance would be created with respect to traffic and that traffic concerns could not be related to the narrower frontage. This case exemplifies the difficulties encountered in enforcing nuisance-type provisions.

Based on the interviews, it generally is difficult to draw conclusions regarding particular approaches or problems associated with the size or location of municipalities. Each municipality is unique and the small number interviewed makes it difficult to determine how representative they are of municipalities across Ontario. However, it appears that monitoring and enforcement of regulations is a greater problem for smaller municipalities due to limited staff resources.

A concern common to all municipalities is in drafting regulations prohibiting those uses which will create problems while at the same time permitting those which will have no impact on the neighbourhood. None of those interviewed felt that their provisions achieved this goal completely. In many cases, the regulations are amended each time a new problem arises which is not adequately addressed in the by-law.

3. A SPECIAL CASE: RURAL HOME OCCUPATIONS

It was clear at the outset of this study that there should be some distinction between rural and urban home occupations and the data collected during the survey reinforced this fact. There are two facets to this problem: the different kinds of home occupations that tend to occur in rural areas and the rural setting and the advantages and disadvantages it presents with respect to the operation of home occupations.

Characteristics of Rural Home Occupations

Rural home occupations are often different in nature to those encountered in urban settings. Often rural home occupations are related to farm operations or are more industrial in nature. In some municipalities this distinction is recognized with two different definitions of home occupations in their regulations. For example, some differentiate between home occupation and home industry and some distinguish between urban and rural home occupations.

Generally, the type of home occupations that tend to occur in rural areas include such activities as farm related sales, machine repairs, welding, carpentry, electrical machine and auto repair. One important economic and financial aspect of rural home occupations is the fact that many farmers need a second income to survive. For this reason rural home occupations are a vital part of the rural economy. Problems arise, however, when home occupations expand: for example, when a summer operation becomes a year round activity or when a part-time business becomes a full-time occupation for a farmer. Municipal staff and council are then faced with the difficult task of setting a limit. For example, a drive shed may be used as a welding shop for a farmer's own machinery and in time may also be used to service neighbours' machinery. Eventually the farmer may become a full-time welder and retire from farming. Since many rural home occupations are industrial in nature the establishment of these activities on a permanent full-time basis could have a considerable impact on the surrounding area.

The Rural Setting

While many rural home occupations are certainly more noticeable than typical urban home occupations, they may be acceptable in a rural setting and should be evaluated accordingly. Home occupations that would create problems in urban areas may be quite acceptable in rural areas. For example, the use of accessory buildings, outside storage, noise and concern about odours may not be as much of a concern in rural areas due to the distance between residences which limits nuisance factors. However, other concerns may be of equal or greater importance than in an urban setting such as impact on the natural environment and on agricultural operations.

Overall, there are a number of benefits to permitting home occupations in rural areas. For example, in a rural area, travel to and from work can be a major inconvenience. Therefore rural home occupations may allow individuals to work in situations where they might not otherwise have the opportunity. Similarly, since services are much further away, rural home occupations can bring much needed services much closer to the client.

Generally, the increased distance between neighbours lessens the impacts of noise, sight and odours thereby allowing a wider range of activities than would be allowed in an urban area. However, the environmentally sensitive nature of rural land and the preservation of agricultural land and agricultural practices must not be overlooked when assessing rural home occupation activities.

Although rural home occupations may pose different problems the methods for regulating the situation are the same as those available in urban areas. The key to effective management may be to treat the rural situation separately by creating separate policies and definitions for urban and rural situations.

4. REGULATORY OPTIONS

The regulation of home occupations has its origin in labour laws which arose out of labour protection concerns. Today the general intent of home occupation regulations is to separate land uses in order to avoid conflicts. The responsibility for regulating home occupations rests with local municipalities. Within the current legislative structure there are a number of options available to municipalities. These options are outlined below:

Official Plans

An official plan is intended to provide general objectives and policies to guide the municipality in its development. As such it is not in the scope of an official plan to establish regulations governing home occupations. Rather the intent is to state the municipality's goals and policies regarding this topic and to describe the mechanisms to implement the policies. Zoning by-laws and other implementing by-laws must then conform to the goal and policy statements contained in the official plan.

Zoning By-laws

Section 34 of the Planning Act prescribes the legislative authority for municipalities to pass by-laws to regulate the use of land and buildings. In so doing, it also provides for the regulation of home occupations as it enables municipalities to restrict or prohibit specific uses in residential buildings.

Home occupation provisions can be found in several places within a zoning by-law. The primary locations are in the definitions sections, the general provisions section or the residential zoning section. Since home occupations are a permitted use in usually more than one zone, the most appropriate location for a list of the standards or specific uses is the general provisions section. This provides for an easily accessible reference and avoids creating complex residential zoning sections with detailed regulations. Aside from the placement of the provisions within the by-law, the elements that comprise the home occupation

regulations are the key to its effectiveness. Generally, zoning by-laws contain a definition, a list of permitted or prohibited uses and/or performance standards. The inclusion of all three elements, however, tends to be quite cumbersome.

Definitions are often the critical element within home occupation regulations. They can be so vague as to allow almost any activity, or at the other extreme, they can be discriminatory by including terms such as "professional" or "traditional". Toner, in his study of home occupations, suggests that these kinds of definitions are weak. Many are verbose and redundant while others are so general that they unintentionally include activities such as housework and hobbies.

The definition he suggests is:
"An accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services."[3]
The advantages of this definition are that it is not repetitive and it defines home occupations as an accessory use that specifically involves the exchange of money. Activities such as hobbies and housework are therefore clearly excluded from any definition of home occupations. This definition can stand alone since it does not depend on standards for interpretation.

Many communities use lists to specify which home occupations are acceptable or prohibited. While the lists may be helpful in providing examples, they do not provide any guidance in evaluating proposals for new home occupations. There are in fact two types of lists; listings of permitted uses and listings of prohibited uses. A list of permitted uses may prove to be too restrictive since it may not contain provisions for many new "high-tech" occupations which were not envisioned when the by-law was written. With a list of prohibited uses anything not listed is permitted. It is likely that this is not the intent of the by-law.

Generally, lists are a cumbersome and an awkward tool to incorporate within a zoning by-law. Administration of such a by-law is difficult given the time required to interpret or amend the list. There are also some unintended consequences. In some cases potentially desirable services are prohibited because they were omitted from the list of permitted activities. The complexity and time involved in requesting an amendment to a by-law also acts as a deterrent to the legal establishment of new home occupations.

Performance standards are another element often included as part of a zoning by-law. Performance standards require that home occupations satisfy a number of requirements to ensure that they remain secondary or incidental to residential use. Examples of performance standards include limits on the amount of floor space, prohibition of storage and prohibition of the sale of merchandise.

Licensing

Sections 110 and 111 of the Municipal Act outline the general licensing powers of municipalities. A municipality does not have sweeping powers to require that all businesses be licensed; only those businesses listed in the Act may be licensed.

Although more than half the municipalities in Ontario license at least one category of business, very few do so for the purpose of regulating home occupations. A survey of municipal licensing requirements in 1982 revealed that only four percent of municipalities used licensing to regulate home occupations.[4]

The licensing function is most appropriately used for controlling the performance of certain types of businesses rather than regulating numbers or types of businesses. Most home occupations do not fall under the jurisdiction of licensing legislation which is directed at specific types of businesses. (Refer to the Municipal Act.)[5] These types of businesses (pool halls, restaurants, body rub parlours, service stations etc.) are generally not typical home occupations.

3 William Toner, "Planning for Home Occupations". *Report No. 316*, Planning Advisory Service, pg. 7.

4 Ontario Ministry of Municipal Affairs and Housing, "Survey of Municipal Licensing Requirements". Toronto, August 1982

5 Municipal Act Revised Statutes of Ontario, 1980 as amended March 1985, Sections 110, 111

Other Regulations

There are a number of other types of regulations which can be used to control home occupations in a limited way. These methods are most effective when adopted in conjunction with other more comprehensive measures such as an official plan policy and a zoning by-law.

Sign By-laws

Sign by-laws regulate the size and placement of signs. A sign by-law can ensure that any signs used for a home occupation be consistent with the residential character of the neighbourhood.

Site Plan Control

Under the provisions of Section 40 of the Planning Act, a municipality may designate in its official plan an area or types of uses which are subject to site plan control. The municipality may then pass a site-plan control area by-law which could state that any home occupation in the area is subject to site plan control. The purpose of site-plan control is to allow the municipality to exercise some control over site plan features such as location of buildings, landscaping, fencing, loading, parking, walkways, lighting and a number of other design elements.*

Certificate of Occupancy

Subsection 34(6) of the Planning Act enables a municipality to place a provision in a zoning by-law requiring the issuance of a Certificate of Occupancy. This type of provision may be very desirable for identifying any new home occupations. However, the Certificate of Occupancy can only be required where there is a change in the use of the land, building or structure. Therefore, if a person uses his residence or a part of his residence for a home occupation and then sells his home to a new purchaser who is going to continue the same use, the new purchaser would not be required to obtain a Certificate of Occupancy. (Note: A certificate cannot be used to control or permit the occurrence of a home occupation as the certificate cannot be refused if the use is not prohibited by the by-law.)

Maintenance and Occupancy By-law

A maintenance and occupancy by-law, also referred to as a property standards by-law can be passed by a municipality under the provisions of Section 31 of the Planning Act. The purpose of such a by-law is to prescribe standards for the maintenance of property including items such as outside storage, fencing and clearance of debris.

Noise By-law

Under the provisions of Section 210(132) of the Municipal Act, a municipality may pass a by-law which prohibits the making of noise likely to disturb the inhabitants of any defined area. This kind of by-law is difficult and expensive to enforce because of the need for corroborative evidence and because quantitative standards may not be included in the by-law. A by-law pursuant to the Environmental Protection Act is usually preferable since it may prescribe maximum permissible sound levels and provides for the licensing of persons or premises in respect to noise emissions.[6]

Fence By-law

Council may prescribe the height and description of lawful fences and may prohibit wooden fences and require vacant lots to be enclosed. The general enabling legislation for this power is the Municipal Act Section 210(18-23) and (32).

Minister's Zoning Order

Section 46 of the Planning Act gives the Minister (i.e. the Minister of Municipal Affairs) the same zoning powers granted to local Councils under Section 34.

The methods described in this chapter are all options available to Ontario municipalities. Actual practice reveals their true effectiveness. The next chapter highlights a number of planning considerations that relate to home occupations.

* Single family dwellings (including duplexes) are normally exempt from site plan control. Generally, only multiple family residential structures are covered by Section 40.

6 Ontario Ministry of Municipal Affairs and Housing, Toronto. A Planner's Reference to Legislation, Provincial Policies and Guidelines. June 1985.

5. PLANNING FOR HOME OCCUPATIONS

Most of the discussion in this report is based on the premise that home occupations pose problems for municipalities. This finding is not true for all municipalities. While the topic concerns most municipalities at one time or another, home occupations generate different impacts in various settings. It is therefore, difficult to suggest one specific solution that suits everyone's needs. The results of the survey indicate a wide variety of experiences without any consensus about the key problems or solutions. Nevertheless, some general guidelines on how to approach this issue can be suggested.

Guidelines

Municipalities must first determine if home occupations are a concern and determine the nature of the problem. The first step is to document the occurrence of home occupations in the municipality.

Identification of Home Occupations

Identification of home occupations is not an easy task since there is no direct source for this kind of information. Those who are intent on documenting details about home occupations may have to be satisfied with estimates rather than hard facts. There are several possible sources of information but the most obvious is municipal staff.

Generally, municipalities would only have records of home occupations if complaints have been filed (with the exception of those businesses required to be licensed). While all home occupations do not necessarily require a licence, certain types of businesses are required to obtain a business licence from the municipality. Licencing records may indicate some businesses located in residential neighbourhoods and, in fact, in private residences.

Beyond written documentation of home occupations information is also available from various municipal staff who may encounter home occupations during the course of their work. Efforts should be taken to encourage clerks, planners, building inspectors, assessors

and by-law enforcement officers to document any information they may have. These people are the key links in identifying home occupations.

Provincial records also provide information about businesses but unfortunately not in a form that would assist the search for home occupations. In Ontario, a company wishing to incorporate or register a business name must register with the Ministry of Consumer and Commercial Relations. While most businesses would be listed in the Ministry's files, the records are not filed by municipality. Furthermore, these records do not always display the true name of the company (companies may be listed as a number rather than a name) or the actual place of operation (the address may be a mailing address).

Given the limitations of most of the official sources of information, the task of identifying home occupations becomes one of investigative work. Those wishing to identify home occupations must accept less precise methods of data collection. A windshield survey through residential neighbourhoods may reveal some evidence of home occupations. For example, commercial signs on residential properties and commercial vehicles parked in driveways or on the street may be indications of a business being carried out on the premises.

Other sources of information include the yellow pages of the telephone book, local newspapers and other forms of advertisement. Last but not least, the most obvious source of data is complaints received by the municipality. Though useful, this type of information is biased because it only provides details about those home occupations that have posed a problem. Ultimately identification of home occupations requires a strong commitment by the municipality to coordinate efforts of staff and to develop a comprehensive monitoring system.

Nature of the Problem

The source and nature of complaints received are the primary indicators of the type of problem. For example, complaints from neighbours may indicate that home occupations are a nuisance factor in residential neighbourhoods and require stricter controls. In contrast complaints from merchants in established commercial districts may indicate that home occupations pose a threat to the existing commercial sector. There may be one particular type of home occupation that is causing more difficulty than others. It is crucial, therefore, for municipalities to undertake some research before they embark on any program of policy development and controls.

Approach

As an initial step municipalities should develop policies that specify the intent of the municipality. These policies should strike a balance between the encouragement of the local economy through small business development and the protection of the character of residential neighbourhoods. Where municipal official plans are in place, this would be an appropriate vehicle for the specification of these interests. Where no official plan exists, council may opt to pass a resolution indicating their intent.

The second step in developing an approach to planning for home occupations is determining the degree of control necessary. Municipal Council may wish to prohibit all home occupations and permit them only with re-zoning or minor variance applications. While this approach allows for a high degree of control, it is costly, time-consuming and unnecessarily cumbersome. At the other extreme, allowing all home occupations within residential zones without specified restrictions may pave the way for unexpected problems. Again, the decision regarding the degree of control should reflect an appreciation of a balance between encouraging home occupations and reducing the potential for nuisance and disturbance of the residential neighbourhood. As a final note, all municipalities should consult their solicitor before adopting official plan policies or by-laws dealing with the issue of home occupations.

The specific circumstances of a municipality will ultimately determine how local planners and politicians interpret the problem and the nature of the impact on the municipality.

- Rural municipalities may wish to take a slightly different approach which recognizes specific rural issues such as agricultural practice and the precarious nature of rural service centres;
- Municipalities with a mixture of urban and rural land uses may wish to develop a two-part strategy in order to deal most effectively with each type of land use within the municipality;
- In a situation where local unemployment is high, a council may wish to promote home occupations as a way to provide

employment and stimulate the local economy;

- Certain other municipalities may be concerned that the prevalence of home occupations may threaten an already weakened central business district and adopt a regulatory approach, as a result.

The above factors, coupled with financial and administrative capabilities of the municipality, will influence the methods of implementation.

Implementation

As outlined in Chapter 4 there are a number of policy and regulatory options to choose from. Once the municipality has identified the problem, developed a policy and determined the degree of control, the next decision to be made concerns the method of implementation.

Based on our survey results, the zoning by-law is the most popular and appropriate tool for regulation. A zoning by-law may also be reinforced with other types of by-laws, (noise, sign etc.) which have a peripheral impact on home occupations. Although most municipalities surveyed used a zoning by-law and in fact had up-to-date versions, many still expressed concerns about the inadequacies of their particular zoning by-law.

The design of the zoning by-law is the key to its effectiveness. The by-laws reviewed generally contained several components: a definition; a list of permitted or prohibited uses; and/or performance standards. Chapter 4 provides a detailed description of the advantages and disadvantages of each approach. Based on the literature and survey response the preferred approach is a combination of a definition and performance standards. Some guidelines to consider are:

- The definition should stand alone and not be dependent on standards for interpretation.
- The definition should be flexible enough to include a wide variety of occupations but not name them specifically.
- Performance standards provide a method of controlling the size and type of activities in a home occupation.

Enforcement

Although the volume of complaints did not appear to be a problem, enforcement was still perceived to be an issue. Lack of time and commitment were the two major obstacles in the way of effective enforcement. The remedy for these problems is simple in theory yet difficult to achieve in practice. There appears to be no incentive for municipalities to increase their commitment and staff time to monitor the situation. Another matter which complicates the situation is the fact that documentation of violations of the zoning by-law is frequently difficult to obtain.

A pro-active stance may be beneficial in these circumstances. Municipalities should consider a public education program to encourage those operating home occupations to do so within the limits of the by-laws. This type of program may also encourage more open reporting of complaints as well.

Assistance and Promotion

Many municipalities have been able to view the issue of home occupations in a positive and opportunistic light. The term "business incubator" is a new concept in the planning field and one that is being applied to home occupations. From an individual's perspective, home occupations are often regarded as a golden opportunity to start their own business or be employed when other circumstances prevent them from working outside the home. From the municipalities' perspective recognition of home occupations is one way to support economic development goals which are now a recurrent theme in planning strategies.*

* On July 7, 1986, Royal Assent was given to an Act (Bill 79) amending the Municipal Act which allows, subject to Provincial approval, municipal involvement with small business incubators. An explanatory bulletin about this legislation will be sent to municipalities soon.

6. FUTURE TRENDS

Are home occupations the wave of the future, or as Alvin Toffler describes, the "Third Wave" of change in society? In Toffler's book he describes three waves of change in society: The First Wave was the invention of agriculture; the Second Wave was the industrial revolution; and the Third Wave relates to the post industrial society and is described by a number of terms: (e.g. the technetronic age; scientific-technological society; or super-industrial society).[7] Most of the literature on this topic suggests increasing numbers of home occupations and, in particular, an increase in computer based occupations.

While there is considerable speculation in the literature about computer based home occupations, this finding was not confirmed by the results of the survey. The literature indicates both a change in number and type of home occupations but the picture that emerges in the Ontario situation is unclear. In the discussion of the survey results in Chapter 2 it is evident that there is no consensus amongst municipalities with respect to current or future trends in home occupations. Part of the reason can be attributed to the difficulty in obtaining factual information about home occupations. For the most part municipalities are simply estimating the numbers or types of home occupations in their community. Unless a municipality receives a complaint about a particular home occupation municipal officials and councils are unlikely to be aware of its existence.

The advent of high technology has, no doubt, increased opportunities for home occupations. As work becomes increasingly based on information development and exchange, work at home via telecommunications becomes a viable option for more and more people. Despite these trends, author John Naisbett does not believe that we will all be at home in our electronic cottages in the future. Naisbett contends that relatively few people will in fact decide to work at home. As an explanation of his position he refers to the "high touch" need

7 Alvin Toffler. *The Third Wave*, New York: William Morrow and Company, 1980.

that high tech will not eliminate. In short, people need human contact. "The utilization of electronic cottages will be very limited: People want to go to the office; people want to be with people."[8]

Although home occupations may not be a viable alternative for the majority of the workforce in the future, the work at home option is still important to certain segments of the population. For rural residents, the disabled and for parents with child care responsibilities, working at home provides an opportunity for employment that might otherwise be unavailable.

Departing from the debate about high technology one must not lose sight of the economic and financial benefits associated with home occupations. Municipalities must consider their corporate responsibility to contribute to the economic vitality of their community. As an example of this type of initiative, the "State of Oregon formed an economic commission to study possibilities for economic development in the state. Since the state's fishing and timber are in decline, the commission concluded that cottage industries are the state's most promising arena for economic development. Consequently Oregon is assisting residents in starting home industries."[9]

As home occupations are likely to become a more common feature of the urban fabric it is necessary for many municipalities to adjust their perspectives. Rather than focusing primarily on the negative aspects, home occupations should be appreciated for their potential to provide a positive contribution to the community.

8 John Naisbett, *Megatrends*, New York: Warner Books, 1984, Pg. 43.

9 Tamara Wolfgram, "Working at Home: The Growth of Cottage Industry", *The Futurist*, June 1984, pg. 34.

APPENDIX 1

Questionnaire

Survey of Home Occupations*

1. (a) What method(s) does your municipality use to regulate home occupations? (Please circle the number to the left of your answer.)
   1. official plan
   2. zoning by-law
   3. licensing
   4. other methods, please explain.

      _____

      _____
   5. no regulation (proceed to question 6)

   (b) Please enclose a copy of the relevant sections of the documents that deal with home occupations.

2. When were home occupation policies/regulations originally established?

	Year
1. official plan	_____
2. zoning by-law	_____
3. licensing	_____
4. other	_____

3. Have they been revised since that time?
   1. no (proceed to question 5)
   2. yes (proceed to question 4)

4. When were they last revised?

	Year
1. official plan	_____
2. zoning by-law	_____
3. licensing	_____
4. other	_____

5. Are there other controls governing home occupations (e.g. sign by-laws)?
   1. no
   2. yes, please specify

      _____

      _____

* Includes concepts such as cottage industries and professional offices in residential dwellings or accessory buildings.

6. Has your municipality considered regulating home occupations?
   1. no, please explain
      _____
      _____
      _____
   2. yes, please explain
      _____
      _____
      _____

7. Would you say that the *number* of home occupations in your municipality is:
   1. increasing
   2. decreasing
   3. stable
   4. don't know

8. Would you say that the *type* of home occupations (e.g. professional offices, artisans, computer operators) is changing?
   1. no
   2. yes, please explain
      _____
      _____
   3. don't know

9. Have you received complaints about home occupations?
   1. no (proceed to question 12)
   2. yes (proceed to question 10)

10. Who has complained?
    1. neighbours
    2. business competitors
    3. council
    4. ratepayers groups
    5. others, please specify
       _____
       _____

11. What is the nature of their complaints?
    1. noise
    2. traffic
    3. parking
    4. odour
    5. outside storage
    6. signage
    7. safety
    8. business tax
    9. other, please specify
       _____

12. Is the enforcement of home occupations regulations difficult?
    1. no
    2. yes

13. What is the greatest problem in enforcement?
    1. definition in policies or by-law
    2. lack of commitment by Council
    3. lack of staff time to enforce
    4. other reasons, please explain

    _____

    _____

14. Have any situations relating to home occupations occurred in your municipality which may be of interest to others?
    1. no
    2. yes, please provide name and number of contact person

    _____

    _____

15. If you have any further comments about home occupations or have any additional information that you think would be relevant to this study, please attach them.

APPENDIX 2

Survey Results

Table A-1 **Survey Municipalities by Region**

Regions, Districts or Counties	Number	Percent
Algoma	6	2.45
Brant	2	0.82
Bruce	9	3.67
Cochrane	6	2.45
Durham	3	1.22
Elgin	6	2.45
Essex	6	2.45
Frontenac	3	1.22
Grey	3	1.22
Haliburton	5	2.04
Haldimand-Norfolk	2	0.82
Halton	2	0.82
Hamilton-Wentworth	2	0.82
Hastings	8	3.27
Huron	10	4.08
Kenora	4	1.63
Kent	7	2.86
Lambton	8	3.27
Lanark	2	0.82
Leeds & Grenville	9	3.67
Lennox & Addington	3	1.22
Manitoulin	2	0.82
Middlesex	8	3.27
Muskoka	3	1.22
Niagara	4	1.63
Nipissing	2	0.82
Northumberland	5	2.04
Ottawa-Carleton	6	2.45
Oxford	3	1.22
Parry Sound	11	4.49
Peel	1	0.41
Perth	4	1.63
Peterborough	8	3.27
Prescott & Russell	3	1.22
Prince Edward	5	2.04
Rainy River	3	1.22
Renfrew	8	3.27
Simcoe	11	4.49
Stormont, Dundas and Glengarry	8	3.27

Sudbury (District)	5	2.04
Sudbury (Region)	1	0.41
Thunder Bay	7	2.86
Timiskaming	9	3.67
Toronto	4	1.63
Victoria	6	2.45
Waterloo	3	1.22
Wellington	5	2.04
York	5	2.04
Total	246	100

Table A-2 **Survey Respondents by Municipality Type**

Municipality Type	Number	Percent
Region, District or County	16	6
City	14	6
Town	42	17
Township	128	52
Village	44	18
Improvement District	2	1
TOTAL	246	100

Table A-3 **Survey Respondents by Population**

Population	Number	Percent
Less than 200	3	1
200–500	20	9
500–1,000	40	16
1,000–5,000	105	43
5,000–10,000	28	11
10,000–50,000	27	11
50,000–100,000	10	4
100,000–250,000	3	1
250,000–500,000	7	3
500,000 plus	3	1
TOTAL	246	100

Table A-4 **Types of Permitted Uses**

Permitted Uses	Number	Percent
Music teachers	28	57
Dressmakers, tailors	26	53
Hairdresser/beauty salon	26	53
Teachers	23	47
Doctor's offices	18	37
Dentist's offices	16	33
Crafts and hobbies	15	31
Professional offices	15	31

Planner's, architect's or engineer's offices	15	31
Accountant offices	13	27
Insurance agents	11	22
Business offices	11	22
Trades (e.g. painter, electrician)	11	22
Lawyer's offices	11	22
Barber shop	11	22
Teaching of crafts and hobbies	11	22
Sales agents or distributors	9	18
Artists	9	18
Service or repair shops	9	18
Real estate agent	8	16
Chiropractor	7	14
Making or repair of garden or household ornaments, toys, etc.	5	10
Milliner	4	8
Licensed masseuse or osteopath	3	6
Photographer	3	6
Land surveyor	2	4
Office of a charitable organization	2	4
Physiotherapist	2	4
Health care professional	2	4
Tourist home	2	4
Personal service shop	1	2
Auctioneer	1	2
Domestic or household art	1	2
Drugless practitioners	1	2
Number of respondents using list of permitted uses	49	47*

* Indicates percentage of 104 which is the number of municipalities that submitted a zoning by-law sample.

Table A-5 **Types of Prohibited Uses**

Prohibited Uses	Number	Percent
Hospital	19	70
Animal hospital	15	56
Nursing home	14	52
Eating establishment	14	52
Clinic	14	52
Medical clinic	10	37
Tea room	9	33
Tourist home	6	22
Any shop	6	22
Convalescent home	5	19
Funeral parlour	5	19
Storage yard for trades	5	19
Plant for trades	5	19
Hairdresser/beauty salon	5	19
Parking area for trades	4	15
Mortuary	4	15

Barber shop	3	11
Body shop/car repair	2	7
Day nursery	2	7
Real estate	2	7
Boarding house	2	7
Rooming house	2	7
Dancing school	2	7
Insurance	1	4
Boarding of animals	1	4
Workshop	1	4
Truck terminal	1	4
Storage yard	1	4
Salvage yard	1	4
Variety store	1	4
Medical or dental office	1	4
School	1	4
Number of respondents using a prohibited use list	27	26

* Indicates percentage of 104 which is the number of municipalities that submitted a zoning by-law sample.

Table A-6 **Types of Performance Standards**

Performance Standards	Number	Percent*
Floor space restrictions	87	88
• not to exceed 25% of floor area	(79)	(91)
• not to exceed specified % of floor area (other than 25%)	(5)	(6)
• not to exceed specified square footage	(32)	(37)
Employee count	82	83
• no employees allowed	(1)	(1)
• employees restricted to family/household members	(44)	(54)
• 1 employee allowed	(23)	(28)
• 2 employees allowed	(7)	(9)
• 4 employees allowed	(1)	(1)
• number of employees allowed varies with home occupation	(6)	(7)
Signage	73	74
• none allowed	(12)	(16)
• regulated elsewhere (e.g. in another section of the by-law or a sign by-law)**	(30)	(41)
• size regulated	(33)	(45)
• placement regulated	(16)	(22)
• lumination regulated	(16)	(22)
Specified offensive, obnoxious or dangerous emissions or creations are not allowed	72	73
• noise	(69)	(96)
• traffic	(57)	(79)
• parking	(51)	(71)
• radio or t.v. reception interference	(36)	(50)
• odour	(32)	(44)

• dust	(25)	(35)
• fumes	(23)	(32)
• vibration	(11)	(15)
• gas	(7)	(10)
• light	(6)	(8)
• heat	(6)	(8)
• air borne waste or pollution	(6)	(8)
• water borne waste or pollution	(5)	(7)
• electric disturbance	(5)	(7)
• smoke	(4)	(6)
• glare	(4)	(6)
• emissions	(3)	(4)
• loading or unloading	(2)	(3)
• refuse	(1)	(1)
• radiation	(1)	(1)
Must remain secondary to the residential use	62	63
Product display not allowed	59	60
Outside storage	53	54
• not allowed	(49)	(92)
• must be screened from view	(3)	(6)
• hazardous goods not allowed	(1)	(2)
Sales	41	41
• only of articles or commodities produced on the premises	(25)	(61)
• sales, retail or wholesale merchandizing is not allowed	(14)	(34)
Machinery or equipment	32	32
• only as would exist in any residential household is allowed	(23)	(72)
• allowed for specified professions only	(8)	(25)
• may not be objectionable to adjoining residences	(4)	(13)
• may not pose a safety hazard or disturbance	(1)	(3)
Exterior	22	22
• evidence of home occupation within not allowed	(17)	(77)
• alterations not allowed	(6)	(27)
Parking	17	17
• extra on site is required	(13)	(76)
• extra on site is required for some professions	(3)	(18)
• commercial vehicles may only park temporarily	(2)	(12)
• the number of parking commercial vehicles is restricted	(1)	(6)
• commercial vehicles may not park on the street	(1)	(6)
Students (for teaching home occupations) are limited to a specified number	16	16
Accessory buildings	14	14
• may not be used	(11)	(79)
• use allowed in rural/agricultural areas only	(2)	(14)
• use allowed but floor space restricted	(1)	(7)
Public access	6	6
• allowed for specified occupations only	(3)	(50)
• not allowed	(2)	(33)

• not more than one client at a time	(1)	(17)
Deliveries – the frequency may not be offensive	6	6
Manufacturing, fabricating or assembling is not allowed	3	3
One home occupation per dwelling unit only	2	2
Institutional uses are not allowed	2	2
Lodgings associated with the home occupation are not allowed	2	2
Animals	2	2
• no boarding of animals is allowed	(1)	(50)
• animal corpse, bacteria or virus is not allowed	(1)	(50)
Center of operations	2	2
• may not act as a base of operations	(1)	(50)
• assembling or rallying of persons for transportation to a work site is not allowed	(1)	(50)
Food preparations or service is not allowed	1	1
Traffic increase is not allowed	1	1
Hazard to residential uses is not allowed	1	1
Number of respondents using performance standards	99 (95% of zoning by-law samples)	

* The number without brackets indicates the percentage of respondents who use performance statements (i.e. 99); the numbers with brackets indicate the percentage of respondents who use the specific performance standards out of the total that use the general performance standard.

** Refers only to those zoning by-laws that specify that regulations exist elsewhere.

Table A-7 **Types of Complaints**

Complaint	Number	Percent*
Parking	60	66
Traffic	49	54
Noise	49	54
Outside storage	39	43
Business tax	31	34
Signage	16	18
Odour	10	11
Safety	9	10
"Other"	22	24
• Unfair competition	(13)	(14)
• Commercial intrusion into residential areas	(2)	(2)
• Property devaluation	(2)	(2)
• Road dust	(1)	(1)
• Illegal operation in rural areas	(1)	(1)
• Intensity of the use of the property	(1)	(1)
• Display goods on boulevard	(1)	(1)
• Site plan is not required for home occupations but is required for commercial uses	(1)	(1)

• Condition of property	(1)	(1)
• Disruption of radio and t.v. reception		
• Nuisance to neighbours	(1)	(1)

* Indicates the percentage of respondents who have received complaints, i.e. the percentage of 91.

Table A-8 **Type of Enforcement Problem**

Enforcement Problems	Number	Percent*
Lack of staff time to enforce	81	56
Definition in policies or by-law	60	41
Lack of commitment by Council	37	26
"Other" reasons:	40	28
• It is difficult to document, detect and prove that a home occupation exists and violates the regulations	(12)	(8)
• Definitions and/or regulations are inadequate or inconsistent	(5)	(3)
• Don't enforce	(4)	(3)
• Don't have regulations or a by-law enforcement officer	(4)	(3)
• Reluctant judicial system	(3)	(2)
• Enforcement is prompted by complaint	(3)	(2)
• Once established home occupations are difficult to remove	(3)	(2)
• When the home occupation expands beyond the size of the home and a rezoning is required	(3)	(2)
• Reluctant to enforce	(2)	(1)
• Home occupations are established without permission until problems arise	(2)	(1)
• Lack of financial commitment	(1)	(.7)
• Accessory buildings are not regulated	(1)	(.7)
• Feud with neighbours	(1)	(.7)
• Home occupations are constantly changing	(1)	(.7)

* Indicates the percentage of municipalities that had enforcement problems, i.e. 145.

Municipalities Interviewed

City of Burlington
Town of Flamborough
Town of Fort Frances
County of Huron
Townshop of Ignace
City of Kanata
City of Timmins
Village of Victoria Harbour
Town of Whitchurch-Stouffville

Selected Bibliography

Allen, Frederick H. III. "Performance Standards fo. Home Occupations", *PAS Memo,* American Planning Association, January 1984.

Butler, JoAnn and Getzels, Judith. "Home Occupation Ordinances". *Planning Advisory Service Report No. 391,* American Planning Association.

Donnison, David. "Working at Home: The Rebirth of the Domestic System." *Town and Country Planning,* April 1985: p.120–122

Eder, Peter F. "Telecommuters: The Stay at Home Workforce of the Future." *The Futurist,* June 1983: p.30–35.

Hackett, Linda, et al. *Planning and Home Occupation in Iowa City,* unpublished paper, University of Iowa, 1984.

Hare, Patrick H. and Price, Gail A. Home Based Services: Expanding Social Services without Expanding Public Facilities or Public Bureaucracies." Staff Working Paper, Montgomery County Planning Board, Maryland, 1985.

Hartman, Leda. "Working at Home." *Ruralamerica,* November–December, 1983: p.11–13

Longhini, Gregory. "Coping with High-tech Headaches." *Planning,* March 1984: p.28–32

Naisbitt, John. *Megatrends,* New York: Warner Books, 1984.

Ontario, Ministry of Municipal Affairs, "A Planner's Reference to Legislation, Provincial Policies and Guidelines", Toronto, 1985.

Reed, Charles. "New Ideas for Regulating Home Occupations." *The Zoning Report,* Vol. 2, No. 6, May 18, 1984: p.

Stark, Nancy T. "Home Based Enterprises Create Toys and Technology." *National Community Reporter,* National Association of Towns and Townships, August–September 1984: p.3–5

Toffler, Alvin. *The Third Wave,* New York: William Morrow and Company, 1980.

Toner, William. "Planning for Home Occupations." *Planning Advisory Service 316,* American Planning Association.

Wolfgram, Tamara. "Working at Home: The Growth of Cottage Industry." *The Futurist,* June 1984: p.31–34

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Home Occupations

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